

January 2010

## **Ontario's Brownfield Reforms**

### **4. Complementary Amendments to Ontario Regulation 153/04**

Ontario has amended O. Reg. 153/04 (Records of Site Condition – Part XV.1 of the Act), made under the Environmental Protection Act.

A series of fact sheets provides an overview of the regulatory changes:

1. Enhanced Record of Site Condition Integrity
2. Streamlined Risk Assessment
3. Strengthened Standards
4. Complementary Amendments to Ontario Regulation 153/04
5. Implementation and Transition

#### **Other Amendments Complementary to Brownfield Reforms**

The amendments described below support the overall goal of brownfield reform by clarifying various technical matters for property owners and people supervising or conducting environmental site assessments or site remediation activities.

They clarify and provide consistent requirements for soil brought to a Record of Site Condition (RSC) property for filling excavations and final grading. They are:

- Soil brought to a RSC property will meet the applicable generic standards or standards specified in an approved Risk Assessment for the property that includes a soil management plan.
- Soil can be brought to any RSC property if it meets the standards in Table 1 of the Soil, Ground Water and Sediment Standards.
- Soil samples must be collected and analyzed before the soil is brought to the property.
- As noted above, the amendments set conditions on the properties to which soil may be brought (other than where the soil meets Table 1 standards) to reduce the

likelihood that soil with contaminants present will be brought to a property where none previously existed. These conditions include:

1. The property is being used or was used in whole or part as an industrial property or a specified commercial property (e.g. gas station, dry cleaners)
  2. A potentially contaminating activity on, in or under the property has been identified as occurring or having occurred
  3. No previous RSC has been filed, and
  4. A contaminant of concern has been identified.
- The amendments also provide for a more flexible approach to specifying standards for properties within a multi-property contamination study area (see Schedule C of amending regulation).

The regulation O. Reg.153/04 (Records of Site Condition – Part XV.1 of the Act), made under the Environmental Protection Act, is available at [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca).

Additional information is also available on the Brownfields Ontario website: [www.ontario.ca/brownfields](http://www.ontario.ca/brownfields).